

REMARKS

STATUS OF THE CLAIMS

Claims 8, 9, 12, 14-19, 23, 26, 28, 29, and 30 were pending in this application. Claims 8, 9, 12, 14-19, 23, 26, 28, 29 have been cancelled. Claim 30 has been amended. Following the amendments, claim 30 will be pending and at issue.

SUPPORT FOR AMENDMENTS TO THE CLAIMS

Claim 30 has been amended to further clarify recitation of one embodiment of Applicant's invention, e.g., a method for treating secondary progressive MS using attenuated T-cells prepared as described in one example of the instant application. Support can be found throughout the specification as filed, e.g., page 8 and Example 1, pages 10 and 11.

The amendments to the claims therefore add no new matter and entry is respectfully requested.

REJECTIONS OF CLAIMS 8, 9, 12, 14-19, 23, 26, 28, AND 29

Claims 8, 9, 12, 14-19, 23, 26, 28, and 29 were rejected under 35 U.S.C. 112, first paragraph and 103(a). Without agreeing with the Examiner's rejections, Applicant has canceled these claims. The rejections are moot and withdrawal is requested.

OBJECTION TO CLAIM 30

The Examiner objected Claim 30 because "IL-2 would properly be IL-2." Applicant has amended claim 30 accordingly.

REJECTION UNDER 35 U.S.C. § 112, FIRST PARAGRAPH (WRITTEN DESCRIPTION)

Claim 30 was rejected under 35 U.S.C. § 112, first paragraph (a new matter rejection).

The Examiner stated that:

The specification and the claims as originally filed do not provide support for the invention as now claimed, specifically, A method of administering attenuated PBMCs....A review of the cite reveals the administration of myelin specific T cells separated from APCs (and other PBMCs) by Ficoll™ gradient (page 11).

Applicant has amended claim 30 accordingly. Withdrawal of the rejection is requested.

AMENDED CLAIM 30 AND EARLIER 103 REJECTIONS

Applicant has amended claim 30 to recite “administration of attenuated activated myelin specific T-cells ... prepared by a second method ...” Applicant respectfully points out to the Examiner that the combination art cited by the Examiner in previous rejections, e.g., Stinissen and Correale, does not render obvious Claim 30 because the combination of art does not include the element of “administration of attenuated activated myelin specific T-cells prepared by the method described in the claims. Stinissen teaches administering cloned T-cells. Correale does not remedy this deficiency; Correale also teaches cloning by limiting dilution and says nothing about administration.

In addition, as amended in the last response, Claim 30 recites “A method of treating secondary progressive multiple sclerosis in a human ...” Stinissen does not teach a method of treating secondary progressive MS. Instead, on page 506, Stinissen teaches that “In three vaccinated patients with chronic progressive MS, no obvious effects on the clinical course were seen.”

CONCLUSION

Withdrawal of the pending rejections and reconsideration of the claims are respectfully requested, and a notice of allowance is earnestly solicited. If the Examiner has any questions concerning this Response, the Examiner is invited to telephone Applicant's representative at (415) 875-2316.

Respectfully submitted,
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